

**FILED**

**OCT. 24 2007**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**

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9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, )

14 Plaintiff, )

15 v. )

16 MICHAEL MARTIN, et al., )

17 Defendants. )

Case No. 07-70574 WDB

~~[PROPOSED]~~ ORDER GRANTING  
SECOND STIPULATION TO WAIVE  
TIME UNDER SPEEDY TRIAL CLOCK  
AND FOR PRELIMINARY HEARING

Date: October 26, 2007

Time: 10:00 a.m.

Before the Honorable Wayne D. Brazil

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19 ~~[PROPOSED]~~ ORDER

20 Pursuant to Fed. R. Crim. P. 5.1(d) and 18 U.S.C. § 3161(h)(8), the parties in this matter  
21 filed a Second Stipulation to Waive Time Under Speedy Trial Clock and For Preliminary  
22 Hearing seeking to waive and extend the time for the preliminary hearing and to exclude the time  
23 between October 26, 2007 through December 14, 2007 from the Speedy Trial Clock. The  
24 Stipulation was signed by counsel of record as well as the defendants such that the defendants  
25 knowingly and voluntarily waiving their rights to a preliminary hearing on October 26, 2007, and  
26 extending the preliminary hearing until December 14, 2007. The Stipulation also noted that the  
27 United States provided discovery to the defendants' attorneys and will be providing additional  
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[PROPOSED] ORDER GRANTING PRELIMINARY  
HEARING EXTENSION AND EXCLUSION

Case No. 07-70574 WDB

1 discovery. This information will allow the defendants' attorneys to better evaluate the case and  
2 assist in preparing a defense. Counsel also acknowledged that an exclusion of time under the  
3 Speedy Trial Clock is appropriate to allow for the effective preparation of defense counsel taking  
4 into account the exercise of due diligence. Good cause appearing therefor,

5 **IT IS HEREBY ORDERED** that the period of time between October 26, 2007 and  
6 December 14, 2007 is excluded from the Speedy Trial Clock to allow counsel to effectively  
7 prepare, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The  
8 Court finds that the "ends of justice served by the granting of such continuance outweigh[s] the  
9 best interests of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).  
10 Additionally, the Court finds that the defendants knowingly and voluntarily waived the period  
11 between October 26, 2007 and December 14, 2007, such that preliminary hearing is now  
12 scheduled for December 14, 2007 at 10:00 a.m.

13 DATED:

14 10-24-07

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16 WAYNE D. BRAZIL  
17 United States Magistrate Judge  
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